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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.           | CONFIRMATION NO. |
|--|-------------|----------------------|-------------------------------|------------------|
| 10/674,418   | 10/01/2003  | Masaki Yamakawa      | 3718-0104P                    | 5135             |
| 2292 7590 02/27/2007<br>BIRCH STEWART KOLASCH & BIRCH<br>PO BOX 747<br>FALLS CHURCH, VA 22040-0747 |             |                      | EXAMINER<br>DESIR, JEAN WICEL |                  |
|  |             |                      | ART UNIT                      | PAPER NUMBER     |
|  |             |                      | 2622                          |                  |

| SHORTENED STATUTORY PERIOD OF RESPONSE | NOTIFICATION DATE | DELIVERY MODE |
|--|-------------------|---------------|
| 3 MONTHS                               | 02/27/2007        | ELECTRONIC    |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 02/27/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

**Office Action Summary**

Application No.

10/674,418

Applicant(s)

YAMAKAWA ET AL.

Examiner

Jean W. Désir

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11/27/06 (Amendment).  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 7-12, 17 and 18 is/are allowed.  
6) ☒ Claim(s) 1, 3-6, 13-16, 19 and 20 is/are rejected.  
7) ☒ Claim(s) 2 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-6, 13-16, 19, 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Someya et al (US 6,756,955).

The applied reference has a common Inventor with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

#### **Claim 1:**

Someya discloses:

A frame data compensation amount output device (see Figs. 51, 52, 56) taking one frame for a target frame out of frames contained in an image signal to be inputted, the frame data compensation amount output device comprising:

“first compensation amount output means for outputting a first compensation amount to compensate data corresponding to said target frame based on the data corresponding to said target frame and the data corresponding to a frame before said target frame by one frame”, see Fig. 52 item 11, col. 23 lines 2-4, col. 23 line 62 to col. 24 line 13;

“and second compensation amount output means for outputting a second compensation amount to compensate a specific data detected based on the data corresponding to said target frame and the data corresponding to a frame before said target frame by one frame”, see Fig. 52 item 38, col. 23 lines 25-28, col. 23 line 62 to col. 24 line 13;

“wherein the frame data compensation amount output device outputs, corresponding to said specific data, any of said first compensation amount, said second compensation amount and a third compensation amount that is generated based on said first compensation amount and said second compensation amount and compensates data corresponding to said target frame” see Fig. 52 item 39, col. 23 lines 29-34, col. 23 line 62 to col. 24 line 13.

Claim 3 is disclosed, see col. 23 lines 1-4, col. 23 line 66 to col. 24 line 4.

Claims 4-6 are disclosed, see col. 7 lines 8-16, col. 23 line 62 to col. 24 line 13.

Claim 13 is inherent to Someya's disclosure.

Claim 14 is disclosed, see Fig. 51 item 4.

Claim 15 is disclosed, see Fig. 51 item 7.

Claim 16 is disclosed, see col. 23 line 62 to col. 24 line 13, Fig. 51 item 36, Fig. 52.

**Claim 19** is rejected for the same reasons as claims 1 and 16.

Claim 20 is disclosed, see col. 23 line 62 to col. 24 line 13, Fig. 51 item 36, Fig. 52.

### ***Allowable Subject Matter***

3. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
4. Claims 7-12, 17, 18 are allowed.

### ***Response to Arguments***

5. Applicant's arguments have been fully considered but they are not persuasive.

The Applicants argue on page 11 of the REMARKS that "The compensation data generation of Fig. 52, relied upon in the Office Action to teach the features claims 1 and 19, discloses the generation of only two compensation data amounts". ...

"Someya, however, does not teach obtaining a third compensation amount that is generated based on a first compensation amount and the second compensation amount and compensates data corresponding to the target fame, as recited in claims 1 and 19. Applicants note that Someya does not teach or suggest obtaining a third compensation amount as recited in Applicants' claim". These arguments are not persuasive, not only Someya discloses two compensation data amounts: **Dc1** generated by item 11 of Fig. 52 and **j3** generated by item 38 of Fig. 52, as claimed and as pointed out in the rejection; Someya also discloses a third compensation amount

**Dc2** generated by item 39 of Fig. 52; and the third compensation amount Dc2 (output of item 39) is clearly generated based on the first compensation amount (Dc1) and the second compensation amount (j3) and compensates data corresponding to the target frame, as claimed and as pointed out in the rejection. Therefore, Someya teaches also a third compensation amount, not only two compensation data amounts.

### **Conclusion**

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean W. Désir whose telephone number is (571) 272 7344. The examiner can normally be reached on 5/4/9 - First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272 7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**JWD**  
**Feb. 15, 07**

A handwritten signature in black ink, appearing to read 'Lin Ye', with a long horizontal flourish extending to the right.

**LIN YE**  
**PRIMARY PATENT EXAMINER**